

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

|                           |   |                     |
|---------------------------|---|---------------------|
| JAMES CLAY WALLER, II,    | ) |                     |
|                           | ) |                     |
| Movant,                   | ) |                     |
|                           | ) |                     |
| v.                        | ) | No. 1:18-CV-158 AGF |
|                           | ) |                     |
| UNITED STATES OF AMERICA, | ) |                     |
|                           | ) |                     |
| Respondent.               | ) |                     |

**MEMORANDUM AND ORDER**

This matter is before the Court on movant's motion for appointment of counsel. After considering the motion and the pleadings, the motion is denied without prejudice.

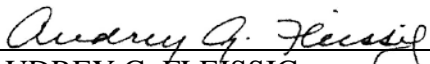
There is no constitutional or statutory right to appointed counsel in civil cases. *Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors, including (1) whether the movant has presented non-frivolous allegations supporting his or her prayer for relief; (2) whether the movant will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the movant's allegations; and (4) whether the factual and legal issues presented by the action are complex. *See Johnson v. Williams*, 788 F.2d 1319, 1322-23 (8th Cir. 1986); *Nelson*, 728 F.2d at 1005.

Movant has presented non-frivolous allegations in his motion. However, he has demonstrated, at this point, that he can adequately present his claims to the Court. Additionally, neither the factual nor the legal issues in this case are complex.

Accordingly,

**IT IS HEREBY ORDERED** that movant's motion for appointment of counsel is **DENIED** without prejudice. [ECF No. 2]

Dated this 6th day of July, 2018.

  
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AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE